

112TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Federal Water Pollution Control Act to protect and restore  
the Great Lakes.

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IN THE SENATE OF THE UNITED STATES

Mr. LEVIN (for himself and Mr. KIRK) introduced the following bill; which was  
read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Federal Water Pollution Control Act to protect  
and restore the Great Lakes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Great Lakes Eco-  
5       system Protection Act of 2012”.

6       **SEC. 2. GREAT LAKES PROVISION MODIFICATIONS.**

7       (a) FINDINGS; PURPOSE.—Section 118(a) of the  
8       Federal Water Pollution Control Act (33 U.S.C. 1268(a))  
9       is amended—

10               (1) in paragraph (1)—

1 (A) by striking subparagraph (B) and in-  
2 serting the following:

3 “(B) the United States should seek to at-  
4 tain the goals embodied in the Great Lakes  
5 Restoration Initiative Action Plan, the Great  
6 Lakes Regional Collaboration Strategy, and the  
7 Great Lakes Water Quality Agreement; and”;  
8 and

9 (B) in subparagraph (C), by inserting “,  
10 tribal,” after “State”;

11 (2) by striking paragraph (2) and inserting the  
12 following:

13 “(2) PURPOSE.—The purpose of this section is  
14 to achieve the goals established in the Great Lakes  
15 Restoration Initiative Action Plan, the Great Lakes  
16 Regional Collaboration Strategy, and the Great  
17 Lakes Water Quality Agreement through—

18 “(A) improved organization and definition  
19 of mission on the part of the Agency;

20 “(B) the funding of grants, contracts, and  
21 interagency agreements for protection, restora-  
22 tion, and pollution control in the Great Lakes  
23 area; and

24 “(C) improved accountability.”; and

1           (3) in paragraph (3), by striking subparagraph  
2           (H) and inserting the following:

3                   “(H) ‘Great Lakes Water Quality Agree-  
4                   ment’ means the Agreement on Great Lakes  
5                   Water Quality, 1978, signed at Ottawa on No-  
6                   vember 22, 1978 (30 UST 1383; TIAS 9257),  
7                   between the United States and Canada.”.

8           (b) GREAT LAKES MANAGEMENT.—Section 118(c) of  
9           the Federal Water Pollution Control Act (33 U.S.C.  
10          1268(c)) is amended—

11           (1) in paragraph (1)—

12                   (A) in subparagraph (A), by striking “;”  
13                   and inserting a semicolon;

14                   (B) by striking subparagraph (E);

15                   (C) by redesignating subparagraphs (C)  
16                   and (D) as subparagraphs (D) and (E), respec-  
17                   tively;

18                   (D) in subparagraph (D) (as so redesign-  
19                   ated), by adding “and” at the end;

20                   (E) in subparagraph (E) (as so redesign-  
21                   ated), by striking “; and” and inserting a pe-  
22                   riod; and

23                   (F) by inserting after subparagraph (B)  
24                   the following:

1           “(C) coordinate with the Great Lakes  
2           Interagency Task Force, as required under  
3           paragraph (8);”;

4           (2) in paragraph (3)(C), by striking “subpara-  
5           graph (c)(1)(C) of this section” and inserting “para-  
6           graph (1)(D)”;

7           (3) by striking paragraph (6) and inserting the  
8           following:

9           “(6) GREAT LAKES GOVERNANCE AND MANAGE-  
10          MENT.—

11          “(A) GREAT LAKES ADVISORY BOARD.—

12                 “(i) ESTABLISHMENT.—The Adminis-  
13                 trator shall establish an advisory board, to  
14                 be known as the ‘Great Lakes Advisory  
15                 Board’, to provide advice and recommenda-  
16                 tions to the Administrator on matters per-  
17                 taining to Great Lakes restoration and  
18                 protection.

19                 “(ii) DUTIES.—The Great Lakes Ad-  
20                 visory Board shall develop and submit re-  
21                 ports and information to the Administrator  
22                 and the Great Lakes Interagency Task  
23                 Force that include recommendations on  
24                 planning, assessment, reporting, and ac-

1 countability matters relating to the Great  
2 Lakes.

3 “(iii) MEMBERSHIP.—The Great  
4 Lakes Advisory Board shall consist of not  
5 less than 12 and not more than 20 mem-  
6 bers, who shall—

7 “(I) be appointed by the Admin-  
8 istrator; and

9 “(II) include representatives of  
10 or individuals affiliated with—

11 “(aa) environmental groups;

12 “(bb) hunting, fishing, and  
13 conservation organizations;

14 “(cc) businesses;

15 “(dd) agricultural groups;

16 “(ee) foundations;

17 “(ff) environmental justice  
18 organizations;

19 “(gg) academia; and

20 “(hh) State, local, and tribal  
21 governments.

22 “(iv) MEETINGS.—

23 “(I) IN GENERAL.—The Great  
24 Lakes Advisory Board shall meet not

1 less frequently than once every 180  
2 days.

3 “(II) OPEN TO PUBLIC.—

4 “(aa) IN GENERAL.—Sub-  
5 ject to item (bb), the meetings of  
6 the Great Lakes Advisory Board  
7 shall be open to the public.

8 “(bb) EXECUTIVE SES-  
9 SIONS.—The Great Lakes Advi-  
10 sory Board may hold executive  
11 sessions that are closed to the  
12 public.

13 “(v) OPERATION.—The Great Lakes  
14 Advisory Board shall operate on a con-  
15 sensus basis.

16 “(vi) COSTS.—The members of the  
17 Great Lakes Advisory Board shall be al-  
18 lowed travel expenses, including per diem  
19 in lieu of subsistence, at rates authorized  
20 for employees of agencies under subchapter  
21 I of chapter 57 of title 5, United States  
22 Code, while away from their homes or reg-  
23 ular places of business in the performance  
24 of services for the Board.”;





1                   “(iv) habitat and wildlife protection  
2                   and restoration, including wetlands res-  
3                   toration and preservation;

4                   “(v) accountability, monitoring, eval-  
5                   uation, communication, and partnership  
6                   activities; and

7                   “(vi) other areas prioritized by the  
8                   Great Lakes Advisory Board.

9                   “(C) PROJECTS.—Pursuant to the Initia-  
10                  tive, the Agency shall consult with Federal  
11                  partners, including the Great Lakes Inter-  
12                  agency Task Force, and take into consideration  
13                  the recommendations of the Great Lakes Advi-  
14                  sory Board to select the best combination of  
15                  programs and projects for Great Lakes protec-  
16                  tion and restoration using principles and cri-  
17                  teria such as—

18                         “(i) the ability to achieve strategic  
19                         and measurable environmental outcomes;

20                         “(ii) the feasibility of—

21                                 “(I) prompt implementation;

22                                 “(II) timely achievement of re-  
23                                 sults; and

24                                 “(III) the ability to leverage re-  
25                                 sources; and

1                   “(iii) opportunities for improved inter-  
2                   agency and inter-organizational coordina-  
3                   tion and collaboration to reduce duplication  
4                   and streamline efforts.

5                   “(D) IMPLEMENTATION OF PROJECTS.—

6                   “(i) IN GENERAL.—Funds made avail-  
7                   able to carry out the Initiative shall be  
8                   used to strategically implement—

9                   “(I) Federal projects; and

10                   “(II) projects carried out in co-  
11                   ordination with States, Indian tribes,  
12                   municipalities, institutions of higher  
13                   education, and other organizations.

14                   “(ii) TRANSFER OF FUNDS.—Of  
15                   amounts made available for environmental  
16                   programs and management for the Great  
17                   Lakes Restoration Initiative, the Adminis-  
18                   trator may—

19                   “(I) transfer not more than  
20                   \$475,000,000 to the head of any Fed-  
21                   eral department or agency, with the  
22                   concurrence of the department or  
23                   agency head, to carry out activities to  
24                   support the Initiative and the Great  
25                   Lakes Water Quality Agreement;

1                   “(II) enter into an interagency  
2 agreement with the head of any Fed-  
3 eral department or agency to carry  
4 out activities described in subclause  
5 (I); and

6                   “(III) make grants to govern-  
7 mental entities, nonprofit organiza-  
8 tions, institutions, and educational in-  
9 stitutions for use in carrying out plan-  
10 ning, research, monitoring, outreach,  
11 training, studies, surveys, investiga-  
12 tions, experiments, demonstration  
13 projects, and implementation relating  
14 to the activities described in subclause  
15 (I).

16                   “(E) SCOPE.—

17                   “(i) IN GENERAL.—Projects shall be  
18 carried out pursuant to the Initiative on  
19 multiple levels, including—

20                   “(I) local;

21                   “(II) Great Lakes-wide; and

22                   “(III) Great Lakes basin-wide.

23                   “(ii) LIMITATION.—No funds made  
24 available to carry out the Initiative may be  
25 used for any water infrastructure activity

1 (other than a green infrastructure project  
2 that improves habitat and other ecosystem  
3 functions in the Great Lakes) for which  
4 amounts are made available from—

5 “(I) a State water pollution con-  
6 trol revolving fund established under  
7 title VI; or

8 “(II) a State drinking water re-  
9 volving loan fund established under  
10 section 1452 of the Safe Drinking  
11 Water Act (42 U.S.C. 300j–12).

12 “(F) ACTIVITIES BY OTHER FEDERAL  
13 AGENCIES.—Each relevant Federal department  
14 and agency shall, to the maximum extent prac-  
15 ticable—

16 “(i) maintain the base level of funding  
17 for the Great Lakes activities of the agen-  
18 cy; and

19 “(ii) identify new activities and  
20 projects to support the environmental goals  
21 of the Initiative.

22 “(G) FUNDING.—

23 “(i) AUTHORIZATION OF APPROPRIA-  
24 TIONS.—There is authorized to be appro-  
25 priated to carry out the Initiative

1           \$475,000,000 for each of fiscal years 2013  
2           through 2017.

3           “(ii) PARTNERSHIPS.—Of the  
4           amounts made available to carry out the  
5           Initiative, the Administrator shall transfer  
6           expeditiously to the Federal partners of the  
7           Initiative such sums as are necessary for  
8           subsequent use and distribution by the  
9           Federal partners in accordance with this  
10          section.”;

11          (5) by striking paragraph (8) and inserting the  
12          following:

13          “(8) GREAT LAKES INTERAGENCY TASK  
14          FORCE.—

15                 “(A) ESTABLISHMENT.—There is estab-  
16                 lished a task force, to be known as the ‘Great  
17                 Lakes Interagency Task Force’ as described in  
18                 Executive Order 13340 (33 U.S.C. 1268 note),  
19                 relating to the establishment of Great Lakes  
20                 Interagency Task Force and promotion of re-  
21                 gional collaboration of national significance for  
22                 Great Lakes.

23                 “(B) COORDINATION.—The Program Of-  
24                 fice shall coordinate, to the maximum extent

1 practicable, with the Great Lakes Interagency  
2 Task Force.

3 “(C) DUTIES.—The Great Lakes Inter-  
4 agency Task Force, as a body or through mem-  
5 ber agencies, shall—

6 “(i) collaborate with Canada, prov-  
7 inces of Canada, and binational bodies in-  
8 volved in the Great Lakes region regarding  
9 policies, strategies, projects, and priorities  
10 for the Great Lakes System;

11 “(ii)(I) coordinate the development of  
12 Federal policies, strategies, projects, and  
13 priorities for addressing the restoration  
14 and protection of the Great Lakes System  
15 consistent with—

16 “(aa) the Great Lakes Water  
17 Quality Agreement;

18 “(bb) the Great Lakes Restora-  
19 tion Initiative Action Plan; and

20 “(cc) the Great Lakes Regional  
21 Collaboration Strategy;

22 “(II) take into consideration any rec-  
23 ommendations of the Great Lakes Advisory  
24 Board; and

1 “(III) assist in the appropriate man-  
2 agement of the Great Lakes System;

3 “(iii) develop outcome-based goals for  
4 the Great Lakes System (relying on exist-  
5 ing data and science-based indicators of  
6 water quality, related environmental fac-  
7 tors, and other information) that—

8 “(I) focus on outcomes such as  
9 cleaner water, sustainable fisheries,  
10 and biodiversity of the Great Lakes  
11 System;

12 “(II) ensure that Federal poli-  
13 cies, strategies, projects, and priorities  
14 support measurable results; and

15 “(III) are consistent with the  
16 Great Lakes Regional Collaboration  
17 Strategy and the Great Lakes Res-  
18 toration Initiative Action Plan;

19 “(iv) exchange information regarding  
20 policies, strategies, projects, and activities  
21 of the agencies represented on the Task  
22 Force relating to—

23 “(I) the Great Lakes System;

24 “(II) the Great Lakes Water  
25 Quality Agreement;

1                   “(III) the Great Lakes Restora-  
2                   tion Initiative Action Plan; and

3                   “(IV) the Great Lakes Regional  
4                   Collaboration Strategy;

5                   “(v) coordinate government action as-  
6                   sociated with the Great Lakes System;

7                   “(vi) ensure coordinated Federal sci-  
8                   entific and other research associated with  
9                   the Great Lakes System;

10                  “(vii) provide assistance and support  
11                  to agencies represented on the Task Force  
12                  in activities relating to the Great Lakes  
13                  System;

14                  “(viii) establish annual priorities with  
15                  respect to Great Lakes protection and res-  
16                  toration, including priorities for the Great  
17                  Lakes Restoration Initiative; and

18                  “(ix) not later than 1 year after the  
19                  date of enactment of the Great Lakes Eco-  
20                  system Protection Act of 2012 and every 5  
21                  years thereafter—

22                  “(I) review the Great Lakes Re-  
23                  gional Collaboration Strategy and the  
24                  Great Lakes Restoration Initiative Ac-  
25                  tion Plan; and

1                   “(II) update and revise the Great  
2                   Lakes Regional Collaboration Strat-  
3                   egy and the Great Lakes Restoration  
4                   Initiative Action Plan to reflect the  
5                   most comprehensive scientific infor-  
6                   mation available.”;

7                   (6) by striking paragraph (10) and inserting  
8                   the following:

9                   “(10) REPORTS.—

10                   “(A) ANNUAL COMPREHENSIVE RESTORA-  
11                   TION REPORT.—Not later than 90 days after  
12                   the end of each fiscal year, the Administrator  
13                   shall submit to Congress and make publicly  
14                   available a comprehensive report on the overall  
15                   health of the Great Lakes that includes—

16                   “(i) a description of the achievements  
17                   during the fiscal year in implementing the  
18                   Great Lakes Water Quality Agreement and  
19                   any other applicable agreements and  
20                   amendments that—

21                   “(I) demonstrate, by category  
22                   (including categories for judicial en-  
23                   forcement, research, State cooperative  
24                   efforts, and general administration)  
25                   the amounts expended on Great Lakes

1 water quality initiatives for the fiscal  
2 year;

3 “(II) describe the progress made  
4 during the fiscal year in implementing  
5 the system of surveillance of the water  
6 quality in the Great Lakes System, in-  
7 cluding the monitoring of groundwater  
8 and sediment, with a particular focus  
9 on toxic pollutants;

10 “(III) describe the prospects of  
11 meeting the goals and objectives of  
12 the Great Lakes Water Quality Agree-  
13 ment; and

14 “(IV) provide a comprehensive  
15 assessment of the planned efforts to  
16 be pursued in the succeeding fiscal  
17 year for implementing the Great  
18 Lakes Water Quality Agreement and  
19 any other applicable agreements and  
20 amendments that—

21 “(aa) indicate, by category  
22 (including categories for judicial  
23 enforcement, research, State co-  
24 operative efforts, and general ad-  
25 ministration) the amount antici-

1 pated to be expended on Great  
2 Lakes water quality initiatives  
3 for the applicable fiscal year; and

4 “(bb) include a report on  
5 programs administered by other  
6 Federal agencies that make re-  
7 sources available for Great Lakes  
8 water quality management ef-  
9 forts;

10 “(ii) a detailed list of accomplish-  
11 ments of the Great Lakes Restoration Ini-  
12 tiative with respect to each organizational  
13 element of the Initiative and the means by  
14 which progress will be evaluated;

15 “(iii) recommendations for stream-  
16 lining the work of existing advisory and co-  
17 ordinating committees (such as the Great  
18 Lakes Regional Collaboration and the  
19 United States Policy Committee), including  
20 a recommendation for eliminating any such  
21 entity if the work of the entity—

22 “(I) is duplicative; or

23 “(II) complicates the protection  
24 and restoration of the Great Lakes;  
25 and

1                   “(iv) with respect to each priority es-  
2                   tablished under paragraph (8)(C)(viii) dur-  
3                   ing the fiscal year, the reasons why the  
4                   Administrator implemented, or did not im-  
5                   plement, the priorities and recommenda-  
6                   tions.

7                   “(B) CROSSCUT BUDGET.—Not later than  
8                   45 days after the date of submission of the  
9                   budget of the President to Congress, the Direc-  
10                  tor of the Office of Management and Budget, in  
11                  coordination with the Governor of each Great  
12                  Lakes State and the Great Lakes Interagency  
13                  Task Force, shall submit to Congress and make  
14                  publicly available a financial report, certified by  
15                  the head of each agency that has budget au-  
16                  thority for Great Lakes restoration activities,  
17                  containing—

18                         “(i) an interagency budget crosscut  
19                         report that—

20                                 “(I) describes the budget pro-  
21                                 posed, including funding allocations  
22                                 by each agency for the Great Lakes  
23                                 Restoration Initiative;

24                                 “(II) identifies any adjustments  
25                                 from the budget request;



1 project, authorization level, and project  
2 status) to be carried out in the subsequent  
3 fiscal year with the Federal share of funds  
4 for activities; and

5 “(iv) a listing of all projects to be un-  
6 dertaken in the subsequent fiscal year with  
7 the Federal share of funds for activities.”;  
8 and

9 (7) in paragraph (12)(H), by striking clause (i)  
10 and inserting the following:

11 “(i) AUTHORIZATION.—In addition to  
12 other amounts authorized to be appro-  
13 priated pursuant to this section, there are  
14 authorized to be appropriated to carry out  
15 this paragraph—

16 “(I) \$50,000,000 for each of fis-  
17 cal years 2004 through 2010; and

18 “(II) \$150,000,000 for each of  
19 fiscal years 2013 through 2017.”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
21 118(h) of the Federal Water Pollution Control Act (33  
22 U.S.C. 1268(h)) is amended—

23 (1) by redesignating paragraphs (1) through  
24 (3) as subparagraphs (A) through (C), respectively,  
25 and indenting the subparagraphs appropriately;

1           (2) by striking “There are authorized” and in-  
2           serting the following:

3           “(1) IN GENERAL.—There are authorized”; and

4           (3) by adding at the end the following:

5           “(2) PROGRAM OFFICE.—There is authorized to  
6           be appropriated to the Program Office to carry out  
7           this section \$25,000,000 for each of fiscal years  
8           2013 through 2017.”.

9           (d) EFFECT OF SECTION.—Nothing in this section  
10          or an amendment made by this section affects—

11           (1) the jurisdiction, powers, or prerogatives  
12          of—

13           (A) any department, agency, or officer  
14          of—

15           (i) the Federal Government; or

16           (ii) any State or tribal government; or

17           (B) any international body established by  
18          treaty with authority relating to the Great  
19          Lakes (as defined in section 118(a)(3) of the  
20          Federal Water Pollution Control Act (33 U.S.C.  
21          1268(a)(3))); or

22           (2) any other Federal or State authority that is  
23          being used or may be used to facilitate the cleanup  
24          and protection of the Great Lakes (as so defined).